

DETAILED ACTION

Supplemental Office Action

1. The office action of September 7, 2007 has been withdrawn in view of applicants request that the amendment of January 8, 2007 be entered.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 25, 2007 has been entered.

Amendment Entry

3. The amendment filed June 25, 2007 has been entered. Claims .1, 3-15 and 17-53 have been canceled. Claims 2 and 16 are under consideration in this office action.

Withdrawal of Objections and Rejections

4. The following objections and rejections have been withdrawn in view of applicants' amendments and arguments:

- a) The rejection of claims 2-3,16, 18, 19, 22 and 36-53 under 35 U.S.C. 101;
- b) The objection of claims 2-3 and 16-22 and 36-53;

- c) The written description rejection of claims 2, 16, 18, 19, 22 and 36-53 under 35 U.S.C. 112, first paragraph;
- d) The enablement rejection of claims 2, 16, 18, 19, 22 and 36-53 under 35 U.S.C. 112, first paragraph; and
- e) The rejection of claims 3, 16, 18, 19, 22 and 36-53 under 35 U.S.C. 112, second paragraph.

New Grounds of Rejection Necessitated by the Amendment

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) The phrase "purified protein involved in the virulence of a *Leishmania* parasite" in claim 2 is a relative term which renders the claims indefinite. The phrase is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The phrase is relative, since the standard from determining predominant expression and most virulent isolates is not defined. It is

Art Unit: 1645

unclear how the protein is involved in virulence. It is also unclear how to define "involved". Thus the metes and bound of the term cannot be ascertained and clarification is required to overcome the rejection.

Conclusion

6. No claims allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ja-Na Hines whose telephone number is 571-272-0859. The examiner can normally be reached Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Shanon Foley, can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ja-Na Hines
January 21, 2008

/Mark Navarro/

Primary Examiner, Art Unit 1645